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Executive Director

***Overview of Jurisdiction, Process, and
Environmental Review of Wind and Other
Alternative Energy Sources***

**Connecticut Federation of Planning
and Zoning Agencies**

Aqua Turf Country Club

March 19, 2009



Safe Harbor Statement

Please note that the information provided herewith is not an official statement of the Connecticut Siting Council (Council) in that it has not been issued by a vote of the Council.

I am not a licensed attorney within the State of Connecticut. I strongly encourage you to avail yourself to your own legal counsel in order to confirm the veracity of the information presented. Please do not rely solely on any comments or information provided by me when deciding how best to protect your interests in any contested case before the Council.

All persons are permitted to bring a petition for declaratory ruling before the Council, pursuant to Sections 16-50j-13 through 16-50j-17 and 16-50j-39 of the Regulations of Connecticut State Agencies and Conn. Gen. Stat. § 4-176 in order to gain an official ruling of the Council.



Today's Presentation

- **Jurisdiction**
- **The Composition and Goals of the Siting Council**
- **Application Requirements**
- **Decision-Making Criteria**
- **Review Process**
 - Notice
 - Service
 - Review and Adjudication
 - Development and Management Plan
 - Post-Construction
- **Online Transparency**
- **Questions**



Jurisdiction

Siting Council Jurisdiction (**Energy**)

- Substations and switchyards 69-kV and higher
- Electric transmission lines 69-kV and higher
- Electric generating facilities of any energy source including renewable energy facilities 1 MW or higher
- Fuel cells (>250 KW in State; >10 KW Out of State)

Review of Wind and Other Renewable Electric Generation Projects

- Most wind and other renewable projects are limited in output and would typically be less than 65 MW.
- Under CGS § 16-50k, electric generating projects under 65 MW and all fuel cells are eligible for expedited siting as a petition
- However, in order to provide full notice to the municipality and the public and provide an opportunity for all to be heard at a public hearing, the Council typically handles (non-fuel cell) petition filings much like dockets.
- Thus, our docket application guides provides an outline of the materials that should be submitted.
- In the event a generating project exceeds 65 MW, a docket is required by statute.



Composition and Goals of the Siting Council



The Siting Board is a Nine-Member Body

- **Five** Persons Appointed by the Governor
 - At least two shall have an ecology background and not more than one shall have a background related to utilities
- **Two** Persons Appointed by the Legislature
- **Two** Designees of Other State Agencies (DPUC and DEP)



Connecticut Siting Council (CSC) Goals

- **Community Protection**
 - Public Health, Safety, and Welfare
 - Environmental Resources
- **Administrative Review (Transparency of Process)**
 - Ample Opportunity for Public Input
 - Unbiased Adjudication
 - Contested Case (UAPA)
 - Transparency



Application Requirements



Municipal Consultation

- At least 60 days before filing an application, the applicant shall consult with the municipality and any other municipalities with 2,500 feet of the proposed facility location(s).
- More than one facility site is encouraged by the Council where feasible.
- The applicant shall provide a technical report regarding the proposed facility to the municipal CEO(s) for their review.



Application Materials Part I

The Application for a Certificate of Environmental Compatibility and Public Need (Application) requires comprehensive supporting documentation per statute and the Council Application guide. Specifically, this includes:

- Executive summary
- Brief description of proposed facility, including heights
- Statement of purpose of the Application
- Statutory authority for the Application
- Legal name of applicant
- Contact information for applicant and its legal counsel, if applicable



Application Materials Part II

- Statement of need for the facility
- Statement of benefits of the facility
- Petitions have an initial filing fee of \$500.
- For Docket projects up to \$5M, the application fee is 0.05 percent of the project cost or \$1k, whichever is greater.
- For Docket projects over \$5M, the application fee is 0.1 percent of the project cost or \$25k, whichever is less.
- Height of facility (with blade radius in the case of a wind turbine), with maximum “not to exceed” height
- Access roads and utility service
- Any special design features
- Magnetic field analysis of transmission interconnection, if applicable
- A map showing other facilities associated with the project



Application Materials Part III

- Statement of technical feasibility i.e. compatibility with the electrical system from the local distribution company and/or ISO New England Inc. This depends on whether the project connects to distribution or transmission.
- Topographic map of the proposed site
- A map of the site with dimensions, abutting properties, etc.
- Site plan showing elevations, flood zones, wetlands, etc.
- Terrain profile with existing and proposed grades
- Recent aerial photograph

Application Materials Part IV

- A statement explaining environmental impact mitigation measures, including construction techniques, special design features, etc.
- A yield point on a structure should be considered if the structure is located adjacent to a property line at a distance less than its own height.
- Description of proposed vegetative screening to minimize visibility
- Methods to preserve vegetation for wildlife habitat and visual screening
- Description of scenic, natural, historic, and recreational areas in the vicinity of the proposed site, such as hiking trails and scenic roads

Application Materials Part V

- Site line graphs to the site(s) from sensitive areas such as residential developments, recreational areas, and historic sites
- A description of rejected sites on a topographical map
- A detailed justification of the site(s) selected and rejected including environmental effects, cost differentials, proximity to electric distribution/transmission, etc.
- Statement describing any possible hazards to human health with supporting data and references to regulatory standards
- Estimated costs
- Schedule of site acquisition, construction, permitting, and estimated in service date
- A statement that the applicant will fly a balloon at each proposed site to simulate the height of the facility, if requested by the Council

Application Materials Part VI

- A listing of federal, state, regional, district, and municipal agencies such as Federal Aviation Administration, Federal Communications Commission, State Commission on Culture and Tourism, and State Department of Environmental Protection which reviewed the project and their comments/decision letters
- The most recent conservation, inland wetland, zoning, and plan of development documents of the municipality, including a description of the zoning classification of the site and surrounding areas
- A summary of consistency of the project with the municipal regulations and plans
- Description of proposed site clearing including tree removal and involvement with wetlands



Decision-Making Criteria



CSC Decision Criteria (Standards)

- All Petition Decisions Involving Site Regulation are:
 - Based on a Simple Consideration of Whether or Not the Project Would Have a Substantial Adverse Environmental Effect (SAEE).
 - Need is considered, but the Council can only grant an approval if it determines that there is no SAEE associated with the project.
- All Docket Decisions Involving Site Regulation are:
 - Based on a Simple Standard to Balance the **Benefit** (i.e. need) of a Proposed Facility with the **Effects** on the Environment and Community.
 - A Project with a SAEE can be Approved, if and only if the Council Determines that the Need for the Project Outweighs the Environmental Effects.
- Decisions (and Rationale) are:
 - Written in Detail
 - Based on Factual Evidence
 - Substantiated at a Public Hearing Where All Submittals and Testimony are Subject to Cross-Examination



Primary Environmental Considerations for Decision

- **Ecology** (environmental analysis of the facility site and access road)
- **Scenic Resources** (profile analysis and balloon simulation)
- **Health** (compliance with Council's Best Management Practices on Electric and Magnetic Fields)
- **Land use** (analysis of facility compatibility with existing land use)

Decision Standard for Petitions

**Substantial
Adverse
Environmental
Effect**



**No Substantial
Adverse
Environmental
Effect**

Decision Standard for Dockets

**Public Need
and Benefit**



**Adverse
Environmental
Effects**

Review Process

Notice; Service; Transparency



NOTICE! NOTICE! NOTICE!

- A **notice of the application** shall be published at least twice prior to the filing of the application in a newspaper (General Statutes § 16-50/ (b))
- Notice to **abutting landowners** (General Statutes § 16-50/ (b))
- The Council also asks each applicant to erect and maintain in a legible condition a **sign not less than six feet by four feet** upon the site at the entrance to the property from a public road where such facility is to be located. The sign shall be erected at least ten business days prior to the public hearing and shall set forth the name of the applicant, the type of facility, the proposed maximum height, the public hearing date, and contact information for the Council (Website and phone number).
- Once **the hearing date** is established the council puts an announcement in all local newspapers.



Application for a Certificate – **Service Requirements**

- Municipal CEO, and Planning and Zoning Commission
- Municipal Conservation and Wetlands Commissions
- Any Adjoining Municipality Within 2,500 Feet of the Proposed Project
- Regional Planning Agency (COGs)



Application for a Certificate – **Service Requirements** (Cont'd)

- State Attorney General
- State Legislators for the Applicable District
- Any Federal or State Agency with Jurisdiction Including:
 - Federal Aviation Administration (FAA); Department of Environmental Protection (DEP);
 - Department of Public Health; Department of Transportation (DOT);
 - Department of Public Utility Control; Council on Environmental Quality (CEQ); State Historic Preservation Office (SHPO); and Office of Policy and Management (OPM)



Review & Adjudication Process Part I

- **Pre-application Review**
 - 60 Days
 - Local Meetings and Hearings
 - Determine Compatibility with Local Plans
 - Evidence Submitted to CSC
- **Public Discovery** and Interrogatories



Review & Adjudication Process Part II

- Contested Case Hearing Held in the Affected Municipality
 - Public Notice
 - Parties and Intervenors
 - Cross Examination of Evidence
 - Public Statements
- 30-day Public Comment Period
- Briefs and Proposed Findings of Fact May be Submitted
- Review Draft Findings of Fact



Review & Adjudication Process Part III

- Council Deliberation
- Straw Poll and Direction to Staff
- Revised Findings of Fact
- Draft Declaratory Ruling for Petitions; Draft Opinion, Decision and Order for Dockets
- Final Vote
- Mailing of Final Decision / Declaratory Ruling by Certified Mail
- 45-day Appeal Period (from date of mailing)
- Administrative Appeal, if applicable



Development and Management Plan Part I

For Dockets, the Applicant must submit a Development and Management Plan (D&M Plan). For a Petition, it is subject to Council discretion. The D&M Plan typically includes the following:

- A final site plan including facility structure and foundation specifications, associated equipment, access road, utility service, electrical interconnection, and landscaping features
- Construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls

Development and Management Plan Part II

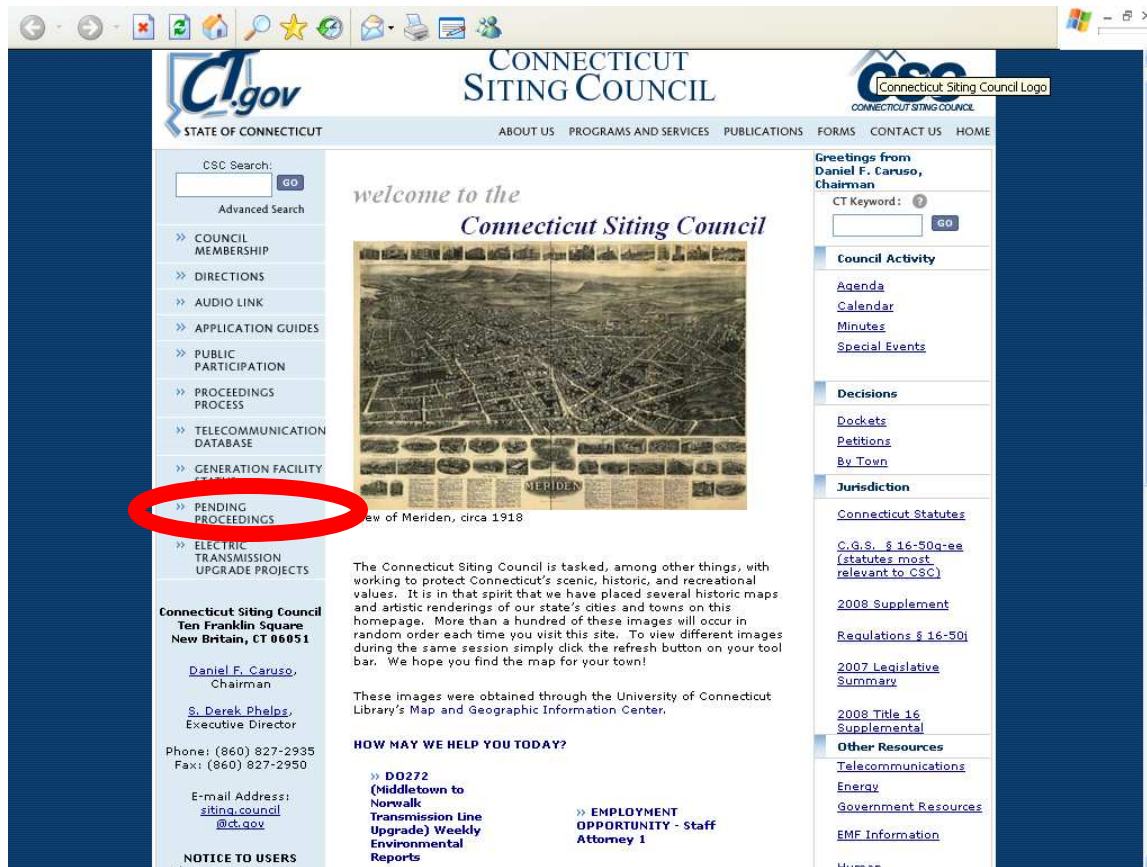
- Staff reviews D&M Plan for consistency with the Application / Petition and the Council's Decision / Declaratory Ruling and prepares a staff report
- The D&M Plan and staff report is reviewed by the Council at a public meeting
- A final vote is taken on the D&M Plan
- A decision letter and the staff report is mailed
- If approved, the applicant may commence construction upon securing local building permits



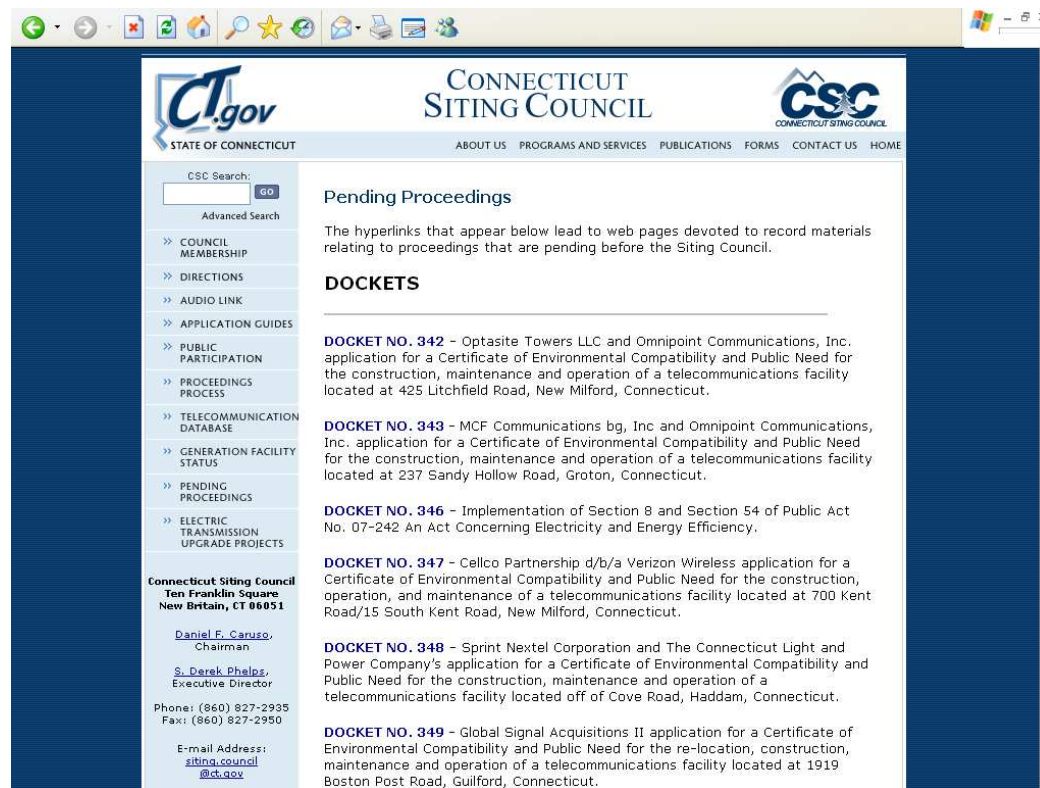
Post-Construction

- The construction must be complete and the facility shall be operational within a deadline specified by the Council's Decision or approval is void.
- Requests for extensions of time may be considered, but must be filed prior to the expiration date.
- Council staff performs a post-construction site inspection to verify consistency between the approved D&M Plan and actual construction.
- Staff prepares a report on construction compliance.
- Non-compliance issues are investigated.

Online Transparency



Pending Proceeding Posted Online



The screenshot shows the official website of the Connecticut Siting Council (CSC). The page features a blue header with the CSC logo and navigation links. A sidebar on the left contains a search bar and a list of links. The main content area is titled "Pending Proceedings" and includes a paragraph explaining the purpose of the hyperlinks. Below this, a section titled "DOCKETS" lists several pending cases, each with a docket number and a brief description of the application.

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Pending Proceedings

The hyperlinks that appear below lead to web pages devoted to record materials relating to proceedings that are pending before the Siting Council.

DOCKETS

DOCKET NO. 342 - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut.

DOCKET NO. 343 - MCF Communications bg, Inc and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut.

DOCKET NO. 346 - Implementation of Section 8 and Section 54 of Public Act No. 07-242 An Act Concerning Electricity and Energy Efficiency.

DOCKET NO. 347 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a telecommunications facility located at 700 Kent Road/15 South Kent Road, New Milford, Connecticut.

DOCKET NO. 348 - Sprint Nextel Corporation and The Connecticut Light and Power Company's application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off of Cove Road, Haddam, Connecticut.

DOCKET NO. 349 - Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the re-location, construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.



Complete Evidentiary Record Online

The screenshot displays the Connecticut Siting Council (CSC) website. The header features the 'CT.gov' logo, the 'CONNECTICUT SITING COUNCIL' title, and the 'CSC' logo. A navigation bar includes links for 'ABOUT US', 'PROGRAMS AND SERVICES', 'PUBLICATIONS', 'FORMS', 'CONTACT US', and 'HOME'. On the left, a sidebar contains a search bar and a list of links: COUNCIL MEMBERSHIP, DIRECTIONS, AUDIO LINK, APPLICATION GUIDES, PUBLIC PARTICIPATION, PROCEEDINGS PROCESS, TELECOMMUNICATION DATABASE, GENERATION FACILITY STATUS, PENDING PROCEEDINGS, and ELECTRIC TRANSMISSION UPGRADE PROJECTS. Below this, contact information for Daniel F. Canuso (Chairman) and S. Derek Phelps (Executive Director) is provided, along with phone, fax, and email details. The main content area is titled 'Docket 349: Guilford' and describes Global Signal Acquisitions II applications for a Certificate of Environmental Compatibility and Public Need. It lists the Siting Council Technical Analyst as David Martin and provides links to various documents: Service List, Schedule, Hearing Notice, Continued Hearing Memo, Field Review Notice, Pre Hearing Conference Memo, Transcript Receipt, Application, Exhibit A through Exhibit R, POCD, Subdivision, Technical Report, Wetlands, Zoning 1, and Zoning 2. A 'Town Comments' section is also visible at the bottom.

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Docket 349: Guilford

Global Signal Acquisitions II applications for a Certificate of Environmental Compatibility and Public Need for the re-location, construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.

Siting Council Technical Analyst: [David Martin](#)

[Service List](#)

[Schedule](#)

[Hearing Notice](#)

[Continued Hearing Memo](#)

[Field Review Notice](#)

[Pre Hearing Conference Memo](#)

[Transcript Receipt](#)

[Application](#)

Exhibit A	Exhibit B	Exhibit C	Exhibit D
Exhibit E	Exhibit F	Exhibit G	Exhibit H
Exhibit I	Exhibit J	Exhibit K	Exhibit L
Exhibit M	Exhibit N	Exhibit O	Exhibit P
Exhibit Q	Exhibit R		

[POCD](#)

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Town Comments





Questions ?

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